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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/536,924	05/31/2005	Wolfgang Buchhauser	S3-02P19752	6619
24131 7590 02/20/2009 LERNER GREENBERG STEMER LLP P O BOX 2480 HOLLYWOOD, FL 33022-2480			EXAMINER CHANG, RICK KILTAE	
			ART UNIT 3726	PAPER NUMBER
			MAIL DATE 02/20/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/536,924

Applicant(s)

BUCHHAUSER ET AL.

Examiner

Rick K. Chang

Art Unit

3726

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 May 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “one profile blank, a plurality of tubular base bodies, at least one connector strip or one fixing strip, a profile-extruder, a second extruding die, the connector strip with superfluous material, the fixing strip with superfluous material” must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vennemeyer et al (US 6,705,083) in view of De Bruyn et al (US 4,899,712) and Keathley et al (US 3,795,970).

Re claim 4: Vennemeyer discloses forming the tubular base body (col. 2, lines 34-37) together with the fuel supply port, the fuel discharge port, and the fixing element as a one-piece integral component, and thereby profile-extruding the tubular base body (col. 2, lines 34-37), except for profile-extruding the tubular base body with at least one connector strip and/or one fixing strip; and hardening a surface of the high-pressure fuel accumulator by cold working the one-piece integral component.

Bruyn discloses profile-extruding the tubular base body with at least one connector strip and/or one fixing strip (8a).

Keathley discloses hardening a surface of a metal by cold working (col. 5, line 47).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Vennemeyer by profile-extruding the tubular base body with at least one connector strip and/or one fixing strip; and hardening a surface of the high-pressure fuel accumulator by cold working the one-piece integral component, as taught by Bruyn and

Keathley, for the purpose of not welding the connector strip and/or one fixing strip and further relax the extrudant.

Re claim 6: Vennemeyer fails to disclose performing at least one of the following two steps: removing superfluous material from the connector strip and leaving individual connecting pieces in place; removing superfluous material from the fixing strip and leaving individual fixing elements in place.

Bruyn discloses performing at least one of the following two steps: removing superfluous material from the connector strip and leaving individual connecting pieces in place; removing superfluous material from the fixing strip and leaving individual fixing elements in place (col. 4, line 29).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Vennemeyer by performing at least one of the following two steps: removing superfluous material from the connector strip and leaving individual connecting pieces in place; removing superfluous material from the fixing strip and leaving individual fixing elements in place, as taught by Bruyn, for the purpose of meeting the design criteria.

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vennemeyer et al (US 6,705,083)/De Bruyn et al (US 4,899,712)/Keathley et al (US 3,795,970) as applied to claim 4 above, and further in view of Official Notice.

Vennemeyer/Bruyn/Keathley fail to disclose redrawing a tube profile through a second extruding die slightly smaller than a first extruding die.

Official Notice is taken that it is well known in the art to redrawing a tube profile through a second extruding die slightly smaller than a first extruding die to further reduce the diameter of the workpiece in order to meet the design criteria.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Vennemeyer/Bruyn/Keathley by redrawing a tube profile through a second extruding die slightly smaller than a first extruding die, as taught by Official Notice, for the purpose of further reducing the diameter of the workpiece in order to meet the design criteria.

5. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vennemeyer et al (US 6,705,083)/De Bruyn et al (US 4,899,712)/Keathley et al (US 3,795,970) as applied to claim 4 above, and further in view of Bloecker (US 5,319,849).

Vennemeyer/Bruyn/Keathley fail to disclose using one profile blank to extrude a profile blank; and separating the profile blank into a plurality of tubular base bodies that each have at least one connector strip and/or one fixing strip.

Bloecker discloses using one profile blank (col. 2, line 47) to extrude a profile blank; and separating the profile blank into a plurality of tubular base bodies (cutting to length “L” as shown in Fig. 1) that each has at least one connector strip and/or one fixing strip (13-15).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Vennemeyer/Bruyn/Keathley by using one profile blank to extrude a profile blank; and separating the profile blank into a plurality of tubular base bodies that each have at least one connector strip and/or one fixing strip, as taught by Bloecker, for the purpose of mass producing to save manufacturing cost.

Response to Arguments

6. Applicant's arguments filed 11/13/08 have been fully considered but they are not persuasive.

In response to applicant's argument that the prior art fails to suggest anything related to forming a high-pressure fuel accumulator for a fuel injection system, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

Vennemeyer discloses forming the tubular base body (col. 2, lines 34-37) together with the fuel supply port, the fuel discharge port, and the fixing element as a one-piece integral component, and thereby profile-extruding the tubular base body (col. 2, lines 34-37)

Interviews After Final

7. Applicant note that an interview after a final rejection must be submitted briefly in writing the intended purpose and content of the interview (the agenda of the interview must be in writing). Upon review of the agenda, the Examiner may grant the interview if the examiner is convinced that disposal or clarification for appeal may be accomplished with only nominal further consideration. Interviews merely to restate arguments of record or to discuss new limitations will be denied. See MPEP 714.13 and 713.09.

Conclusion

8. Please provide reference numerals (either in parentheses next to the claimed limitation or in a table format with one column listing the claimed limitation and another column listing corresponding reference numerals in the remark section of the response to the Office Action) to all the claimed limitations as well as support in the disclosure for better clarity (optional).

Applicants are duly reminded that a full and proper response to this Office Action that includes any amendment to the claims and specification of the application as originally filed requires that the applicant point out the support for any amendment made to the disclosure, including the claims. See 37 CFR 1.111 and MPEP 2163.06.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rick K. Chang whose telephone number is (571) 272-4564. The examiner can normally be reached on 5:30 AM to 1:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David P. Bryant can be reached on (571) 272-4526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Rick K. Chang/
Primary Examiner, A.U. 3726

RC
February 20, 2009